



E-Filed on 3/11/10

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10 Attorneys for USACM Liquidating Trust

11 **UNITED STATES BANKRUPTCY COURT**  
 12 **DISTRICT OF NEVADA**

13 In re:

14 USA Commercial Mortgage Company,

15 USA Capital Realty Advisors, LLC,<sup>1</sup>

16 USA Capital Diversified Trust Deed Fund,  
 17 LLC,

18 USA Capital First Trust Deed Fund, LLC,<sup>2</sup>

19 USA Securities, LLC,<sup>3</sup>

Debtors.

20 **Affects:**

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

21 Case No. BK-S-06-10725-LBR<sup>1</sup>  
 22 Case No. BK-S-06-10726-LBR<sup>1</sup>  
 23 Case No. BK-S-06-10727-LBR<sup>2</sup>  
 24 Case No. BK-S-06-10728-LBR<sup>2</sup>  
 25 Case No. BK-S-06-10729-LBR<sup>3</sup>

26 **CHAPTER 11**

Jointly Administered Under Case No.  
 BK-S-06-10725 LBR

**NOTICE OF ENTRY OF ORDER  
 SUSTAINING OBJECTION OF  
 USACM TRUST TO PROOFS OF  
 CLAIM BASED, IN WHOLE OR IN  
 PART, UPON INVESTMENT IN  
 THE ONE POINT STREET, LLC -  
 HFA NORTH YONKERS LOAN  
 (EXCEPT AS TO VOSS FAMILY  
 TRUST PROOF OF CLAIM)**

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007



**PLEASE TAKE NOTICE** that an Order Sustaining Objection of USACM Trust to Proofs of Claim Based, In Whole Or In Part, Upon Investment In The One Point Street, LLC - HFA North Yonkers Loan (Except as to Voss Family Trust Proof of Claim) [DE 8011] was entered on the 25<sup>th</sup> day of February, 2010, a true and correct copy of which is attached hereto as Exhibit A.

RESPECTFULLY SUBMITTED March 11, 2010.

LEWIS AND ROCA LLP

By /s/ John Hinderaker (#018024)  
Rob Charles  
John Hinderaker (pro hac vice)  
Marvin Ruth  
*Attorneys for USACM Liquidating Trust*

Copy of the foregoing and pertinent portion of Exhibit A to the Order mailed by first class postage prepaid U.S. Mail on March 11, 2010 to all the parties listed on Exhibit A to the Order attached

/s/ Jennifer Cook  
Jennifer Cook  
Lewis and Roca LLP

# **EXHIBIT A**



Entered on Docket  
February 25, 2010

Hon. Linda B. Riegle  
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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11 Attorneys for USACM Liquidating Trust

12 UNITED STATES BANKRUPTCY COURT  
13 DISTRICT OF NEVADA

14 In re:

15 USA COMMERCIAL MORTGAGE COMPANY,

16 USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>

17 USA CAPITAL DIVERSIFIED TRUST DEED  
18 FUND, LLC,

19 USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>

20 USA SECURITIES, LLC,<sup>3</sup>

21 Debtors.

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

CHAPTER 11

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

ORDER SUSTAINING OBJECTION OF  
USACM TRUST TO PROOFS OF CLAIM  
BASED, IN WHOLE OR IN PART, UPON  
INVESTMENT IN THE ONE POINT  
STREET, LLC - HFA NORTH YONKERS  
LOAN (EXCEPT AS TO VOSS FAMILY  
TRUST PROOF OF CLAIM)

Hearing Date: February 5, 2010  
Hearing Time: 9:30 a.m.

1 This bankruptcy case was closed on September 23, 2008.

2 This bankruptcy case was closed on October 12, 2007.

3 This bankruptcy case was closed on December 21, 2007.

1       The Court having considered the “Objection of USACM Trust to Proofs of Claim  
2 Based, in Whole or in Part, Upon Investment in the One Point Street, LLC - HFA North  
3 Yonkers Loan” (the “HFA - North Yonkers Loan”) [DE 7909] (the “Objection”); the  
4 Court having heard the Objection on February 5, 2010; appropriate notice of the Objection  
5 having been given; no response to the Objection having been filed; and good cause  
6 appearing:

7       **IT IS ORDERED** that:

8       1.       The Objection [DE 7905] is sustained;  
9       2.       The Objection to the Voss Family Trust claim was withdrawn on the ground  
10      that the response to the objection [DE 7940] filed by Voss Family Trust admits that the  
11      Voss Family Trust was paid in full on this loan.

12       3.       The claims listed on **Exhibit A** attached are disallowed to the extent those  
13      claims are based upon an investment in the HFA - North Yonkers Loan because the  
14      individual investors were paid in full on their investments in the HFA - North Yonkers  
15      Loan.

16       4.       The claims listed on Exhibit A are not affected by this order to the extent  
17      they are based upon an investment in another loan.

18      PREPARED AND RESPECTFULLY SUBMITTED BY:

19      **LEWIS AND ROCA LLP**

21      By /s/ John Hinderaker (018024)  
22      Rob Charles  
23      John Hinderaker (*pro hac vice*)  
24      3993 Howard Hughes Parkway, Ste. 600  
25      Las Vegas, Nevada 89169-5996  
26      Telephone: (702) 949-8320  
27      Facsimile: (702) 949-8321

28      *Attorneys for USACM Liquidating Trust*

1 In accordance with Local Rule 9021, the undersigned certifies:

2  The Court waived the requirements of LR 9021.

3  No parties appeared or filed written objections, and there is no trustee appointed  
4 in this case.

5  I have delivered a copy of this proposed order to all counsel who appeared at the  
6 hearing, any unrepresented parties who appeared at the hearing, and any trustee  
7 appointed in this case, and each has approved or disapproved the order, or failed  
to respond, as indicated below (list each party and whether the party has  
approved, disapproved, or failed to respond to the document):

8 U.S. Trustee:	
9 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
10 <input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
11 Other Party: VOSS FAMILY TRUST	
12 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
13 <input type="checkbox"/> waived the right to review the order and/or	<input checked="" type="checkbox"/> failed to respond to the document

14 #####

15 Submitted by:

16 **LEWIS AND ROCA LLP**

17 By: /s/ JH (#018024)

18 Rob Charles  
19 John Hinderaker (*pro hac vice*)  
20 Attorneys for USACM Liquidating Trust

21 APPROVED/DISAPPROVED

22 By: Voss Family Trust  
23 Voss Family Trust  
24 Wolf and Claudia Voss, Trustees  
14 Via Ambre  
Newport Beach, CA 92657

USACM TRUST  
PAID LOAN OBJECTIONSMULTIPLE LOAN CLAIMS  
STANDARD PROPERTY DEVELOPMENT

## Exhibit A

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the HFA - North Yonkers Loan
<b>10725-00637</b>	Polacheck Jeweler`S Employee Psp Dtd 2/20/73	Stephen Polacheck Trustee 4719 Commons Way Ste E Calabasas, CA 91302	\$110,000.00	Unknown
<b>10725-01408</b>	Alexander Ind & As Trustees, Stanley & Florence	P.O. Box 95144 Longwood, FL 32779	\$400,000.00	\$ 25,000.00
<b>10725-01653</b>	<del>Voss Family Trust Dtd 10/4/99</del>	<del>Voss, Wolf &amp; Claudia Ttees 14 Via Ambra Newport Beach, CA 92657</del>	<del>\$346,662.00</del>	<del>\$ 31,250.00</del>
<b>10728-00052</b>	Buckwald Revocable Trust Dtd 2/11/92	C/O Neil G Buckwald Trustee 5000 N Valadez St Las Vegas, NV 89149-5247	\$ 50,807.00	\$ 2,372.00